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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,728

11/13/2003

Luciano Salice

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EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,728	<b>Applicant(s)</b> SALICE, LUCIANO	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 10/26/2006.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "4" has been used to designate both a bottom (Specification, page 4, line 15) and a supporting piece (page 5, line 33). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-16, and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, (i) lines 3-4, the limitation of the

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installation fitting connectable to at least one of a bottom, "front and front panel" of the drawer is vague, thus indefinite for failing to clearly define the difference between a front and a front panel of the drawer, (ii) lines 9-10, the limitation of the two-armed lever (13) being "held on" the installation fitting is vague, thus indefinite for failing to clearly define the metes and bounds of the term "held on". Claims 3, 11, the limitation "said tab or bent out latch" lacks antecedent basis. Claim 8, line 3, and claim 10, line 2, respectively, "the supporting piece" lacks antecedent basis. Claims 21 and 22, since claims 3 and 11 already recited "said tab or bent out latch", the limitation in claims 21 and 22 of the locking projection is "a tab or bent out latch" is vague and indefinite for failing to clearly define whether this "tab or bent out latch" is the same or different from the "tab or bent out latch" recited in each of claims 3 and 11.

### ***Claim Objections***

5. Claims 1-16, and 21-24 are objected to because of the following informalities: claim 1, lines 12-13, "a handle and, for releasing the the interlocking position of said latch (11) with the draw-out rail (5), another arm" should be "a handle, for releasing the interlocking position of said latch (11) with the draw-out rail (5), and another arm".

Appropriate correction is required.

6. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. More specifically, the claim

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depends on itself; for the purpose of this examination, the examiner is considering claim is depends on claim 5.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 10-16, and 21-24, so far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Germany DE 9204845.

DE 9204845 discloses a device connecting a plurality of draw-out rails to a drawer comprising all the elements recited in the above listed claims including, such as shown Fig 4a, an installation fitting having a locking catch 16 being interlockable with a drawer-out rail 7 and being releasable from its locking position by a two-armed lever from interlocking position with the draw-out rail 7, with one arm shaped as a handle 17 and another arm directly engaging the locking latch in a region of said locking catch 16, said locking catch also including sprung limbs connected together at their ends by a web part, the draw-out rail 7 comprises a locking projection 23', a recess being lapped by an end stop 15.

9. Claims 1-6, 10-16, and 21-24, so far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,580,139 to Grabher.

Grabher discloses a device for connecting a draw-out rail to a drawer comprising all the elements recited in the above listed claims including, such as shown Figs 1-2, an

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installation fitting having a locking catch being interlockable with a drawer-out rail 9 and being releasable from its locking position by a two-armed lever, with one arm shaped as a handle 16, the locking catch also including sprung limbs 16-17, the draw-out rail 9 comprises a locking projection 12, a recess being lapped by an end stop 15.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabher in view of DE 20211803 to Salice.

Grabher discloses all the elements as discussed above except for the installation fitting comprising an adjustment device which can comprise (please noted that the term "can comprise" is not a positive limitation, only capable of comprising) a two-armed lever which is swivellably held on the supporting piece with one arm forming an

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actuation handle and the other arm bearing a wedge-shaped disk which can be inserted into a gap between the bottom of the drawer and the draw-out rail.

Salice teaches the idea of providing a drawer guide with an adjustment device, wherein the adjustment device can comprise a two-armed lever which is swivellably held on the supporting piece with one arm forming an actuation handle and the other arm bearing a wedge-shaped disk which can be inserted into a gap between the bottom of the drawer and the draw-out rail for the purpose of aligning the front panel of the drawer relative to the carcass and/or the lateral walls of the drawer. Therefore, it would have been obvious and well within the level of one skill in the art to modify the structure of Grabher by providing the installation fitting comprising an adjustment device which can comprise a two-armed lever which is swivellably held on the supporting piece with one arm forming an actuation handle and the other arm bearing a wedge-shaped disk which can be inserted into a gap between the bottom of the drawer and the draw-out rail for the purpose of aligning the front panel of the drawer relative to the carcass and/or the lateral walls of the drawer, as taught by Salice, since both teach alternate conventional drawer guide structure, used for the same intended purpose, thereby providing structure as claimed.

### ***Response to Arguments***

13. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*  
January 19, 2007

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